

State of Minnesota

District Court

County of:	Judicial District: <u>United States District Court</u>
Hennepin	Court File Number: <u>22-CV-00393 DTS</u>
	Case Type: <u>Civil</u>

Benjamin Joseph Hill,

Plaintiff (First, Middle, Last)

vs.

Thomas Keith Rudenick

Defendant (First, Middle, Last)

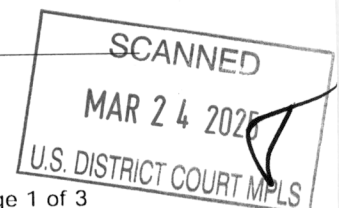
Affidavit in Support of
Responsive Motion

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MAR 21 2025

My name is Benjamin Joseph Hill

The following facts support my responsive motion:

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTAThis is my timeline of events that led up to this motion put before your honorable court to the best of my recollection.I (Benjamin Joseph Hill) retained Thomas Hagler along with Paul Applebaum as counsel to pursue a civil lawsuit against Defendant (Thomas Rudenick) along with John Doe Defendants in the civil matter case no. 22-CV-00393I had continuous communications with Tom Hagler via. (phone calls and emails) The only communication I had previous with counsel Applebaum prior to deposition notices were on April 4, 2023 when he sent me invoices of expenses he paid and tried to get me to reimburse him which the invoices totaled over 20 thousand dollars and when i responded that i thought he was joking and we were working on a contingency fee agreement and i would have to discuss this with co counsel Hagler he told me to forget it and we'll figure it out later. This is when i got my first glimpse of Applebaum being manipulative or (shady) towards me.Then in May of 2024 i was offered a Rule 68 offer which i expressed that I was not interested in accepting this deal and made Mr. Hagler aware i knew the ramifications of not accepting this offer such as me being responsible for opposing Attorney's fees . I had no further communication with Mr. Applebaum until Feb 4th 2025 when text messaged me (we need to talk. Let's connect tomorrow. Let me know what time.) Which I responded (ok anytime tomorrow is fine.) He then responded (ok I'll text you first.)February 6th, 2025 I still haven't heard from Mr. Applebaum so I reached out to him via. text (hey Paul do you have time to meet up today?) He then responded (sorry I had a medical emergency yesterday. I'll call you once I get out of the doctors. Probably afternoon.) I then responded (ok.)

I then finally heard back from Mr. Applebaum on February 17, 2025 via. text (let's talk this afternoon. 3:30?) I responded (sure.) I then received a phone call that afternoon from Applebaum stating to me he no longer is interested in taking this case to trial and I should know why and he will not discuss this over the phone and I have no choice but to take this deal if he still make it happen and I needed to text him right now that I accept the deal to see if he can still make it happen if I don't he's going to put a lien on the file and good luck finding another lawyer so with that enormous amount of pressure i text him to accept the deal.

So I text him (ok I'll take the deal) and he responded (ok i'll get back to you tomorrow.)

Then since my co counsel Tom Hagler previously informed me in early February 2025 that he was resigning off the case due to him taking a government job. So I reached out to several other Lawyers to see if anyone was interested in taking this case to trial, That is when word got back to Applebaum that i was calling around to other attorneys. He then called me and then Proceeded to yell at me that i had to take this deal or I'm screwed.


February 20th, 2025 I woke to what I felt was a threatening Email from Applebaum which I shared with Judges Chambers and that is when I talked to Applebaum on the phone and he told me he might be able to revive the previous deal, so once again with no other advice from counsel that I felt had my best interest at hand I agreed through text message to Accept the deal. He insisted i must text him right now and so he has something to show opposing counsel, So i text him to accept the deal. He responded (I'll work on it stand by.) Then later that evening he text me (got it done. I'll be in touch with the papers to sign early next week.) I responded with a thumbs up emoji.

Later that evening I was unaware of the communications that Applebaum and opposing counsel have had regarding the details of the offer or deal. I also was having a hard time feeling helpless about being forced to accept this deal so I reached out to another lawyer who advised me if I feel like my attorney is not being honest with me I should go to Judges Chambers and call an emergency meeting which is what I did. Feb. 26, there was a hearing that was sealed

Due to the fact that I believe my Attorney was not acting on my behalf since co counsel Hagler resigned off the case, I believe he wanted to pressure me to take the deal so he could get his attorneys fees paid and not acting in my best interest only his own which I made clear several times to my original counsel Hagler so I believe I should not be held to accept this offer under enormous amounts of pressure to hold me to a text message. I'm asking your honor not to enforce this settlement.

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Ramsey County
County and State where signed


Signature
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